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19 Attorneys for Judgment Creditor  
20 MITSUI O.S.K. LINES, LTD.

21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA

23 MITSUI O.S.K. LINES, LTD.,

24 Plaintiff,

25 vs.

26 SEAMASTER LOGISTICS, INC., et al.,

27 Defendants.  
28

Case Nos. 11-cv-02861-SC  
10-cv-05591-SC

STIPULATION RE ENFORCEMENT-  
OF-JUDGMENT DISCOVERY; AND  
~~PROPOSED~~ ORDER ON  
STIPULATION

STIPULATION RE ENFORCEMENT-OF-JUDGMENT DISCOVERY

1  
2 WHEREAS this Court entered a judgment in Case No. 11-cv-02861-SC in favor of  
3 Mitsui O.S.K. Lines, Ltd. ("MOL") and against, among others, Seamaster Logistics, Inc.  
4 ("Seamaster") in the amount of \$1,080,073.07 and Summit Logistics International, Inc.  
5 ("Summit") in the amount of \$2,230,532.05 (the "Judgment"), and awarded MOL its  
6 attorney's fees against SeaMaster and Summit in the sum of \$703,403.05 (the "Fee  
7 Order");

8 WHEREAS the Court entered a judgment in related Case No. 10-cv-5591-SC in  
9 favor of SeaMaster and Summit and against MOL and awarded Seamaster and Summit  
10 their attorney's fees against MOL in the sum of \$580,426.11;

11 WHEREAS, Summit and Seamaster have appealed the Judgment and the Fee Order  
12 as against them, and MOL has appealed the Judgment insofar as it denied MOL certain  
13 relief;

14 WHEREAS, those appeals are still pending;

15 WHEREAS, pursuant to Rule 69 of the Federal Rules of Civil Procedure, MOL has  
16 served discovery on Summit, Seamaster, and certain third parties (collectively, the  
17 "Deponents");

18 WHEREAS, the Deponents have objected to such discovery;

19 WHEREAS, Summit and Seamaster have told MOL that they are taking steps to  
20 post an undertaking to stay MOL's efforts to enforce the Judgment and the Fee Order,  
21 including MOL's discovery; and

22 WHEREAS, the parties have agreed on an undertaking amount of \$3,570,683 to  
23 secure Seamaster's and Summit's obligations under the Judgment and the Fee Order, but  
24 to date, Summit and Seamaster have not posted an undertaking in that (or any) amount,

25 IT IS HEREBY STIPULATED by and among MOL and the Deponents, by and  
26 through their respective counsel of record, as follows:

27 1. Summit and Seamaster shall have until May 20, 2014 to respond to MOL's  
28 discovery to them.

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2. Unless Summit and Seamaster have posted a sufficient undertaking on or before May 19, 2014,

- a. The parties shall meet and confer about the Deponents' objections to the discovery.
- b. If the parties are unable to resolve their objections, they will present, including by an informal conference if the Court permits, the outstanding issues to Magistrate Judge Corley or, if she is not available due to her calendar, any other Magistrate Judge, as expeditiously as the Court's calendar will permit.
- c. The Deponents will produce the documents that MOL requested in the Discovery (subject to the formal or informal resolution of any objections) such that MOL's counsel actually receives such documents on or before June 16 2014.
- d. The depositions of the Deponents will occur in New York, New York, as follows:
  - i. Summit's PMQ(s): June 30, 2014, commencing at 9:30 a.m.;
  - ii. Seamaster's PMQ(s): July 1, 2014, commencing at 9:30 a.m.;
  - iii. PMQ(s) of Toll Global Forwarding Holdings (USA), Inc.: July 2, 2014, commencing at 9:30 a.m.;
  - iv. PMQ(s) of TGF Management Group Holdco Inc.: July 3, 2014, commencing at 9:30 a.m.

3. Each signatory to this Stipulation on behalf of the Deponents represents and warrants that he or she is authorized to sign this Stipulation on behalf of his or her respective clients.

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1  
2 DATED: May 13, 2014

FLYNN, DELICH & WISE LLP

3  
4 By: 

5 Conte C. Cicala  
6 Attorneys for Plaintiff/Judgment Creditor  
7 MITSUI O.S.K. LINES, LTD.

8 DATED: May 13, 2014

9 EMARD DANOFF PORT  
10 TAMULSKI & WALOVICH LLP

11 By: 

12 Katharine Essick  
13 Attorneys for Defendants SEAMASTER  
14 LOGISTICS, INC. and SUMMIT LOGISTICS  
15 INTERNATIONAL, INC. and Non-Party  
16 Deponents TOLL GLOBAL FORWARDING  
17 HOLDINGS (USA), INC. and TGF  
18 MANAGEMENT GROUP HOLDCO INC.

19 ORDER

20 IT IS SO ORDERED.

21 Dated: 05/14/2014

22 The Hon.  
23 United St

